

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

ANNA M. CAREY,

Plaintiff,

NO. CV-05-322-LRS

-VS-

ORDER DISMISSING COMPLAINT
WITH LEAVE TO AMEND

UNITED STATES FEDERAL BUREAU OF
INVESTIGATION,

Defendant.

On October 12, 2005, plaintiff, acting pro se, initiated this action by filing by filing a Complaint accompanied by a Civil Cover Sheet. The Complaint includes only an indication that the plaintiff is a resident of Yakima County and that the nature of the cause of action is "assault and reward for turning in the Al-Quida." Plaintiff filed an application to proceed *in forma pauperis*, which was granted on October 17, 2005.

Federal courts must review a case filed in forma pauperis prior to service of process. 28 U.S.C. § 1915(e). An in forma pauperis complaint shall be dismissed if the allegation of poverty is not true, or if the court determines that the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

1 Pro se pleadings must be liberally construed. *Balisteri v. Pacifica*
2 *Police Depot*, 901 F.2d 696, 699 (9th Cir.1988). However, when reviewing
3 a complaint, the Court does not accept as true unreasonable inferences
4 or conclusory legal allegations cast in the form of factual allegations.
5 See *Western Mining Council v. Watt*, 643 F.2d 618, 624 (9th Cir.1981); see
6 also *McGlinchy v. Shell Chem. Co.*, 845 F.2d 802, 810 (9th Cir.1988)
7 ("conclusory allegations without more are insufficient to defeat a motion
8 to dismiss for failure to state a claim"). Leave to amend is properly
9 denied "where the amendment would be futile." *DeSoto v. Yellow Freight*
10 *Sys.*, 957 F.2d 655, 659 (9th Cir.1992). If a plaintiff's complaint is
11 found to be deficient and an amendment could possibly cure the
12 deficiency, the complaint must be dismissed with leave to amend. See
13 *Eldridge v. Block*, 832 F.2d 1132, 1135-37 (9th Cir.1987).

14 Plaintiff's complaint fails to state a claim upon relief can be
15 granted as it utterly fails to comply with Fed.R.Civ.P. 8(a) which
16 requires a complaint to contain a short and plain statement of the
17 grounds upon which the court's jurisdiction depends, a short and plain
18 statement of the claim showing the pleader is entitled to relief, and a
19 demand for judgment for the relief the pleader seeks.

20 Accordingly, this action is dismissed pursuant to 28 U.S.C. § 1915(e).
21 The court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal

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1 from this decision could not be taken in good faith. Should plaintiff
2 wish to refile her case, she must file a complaint complying with the
3 Federal Rules of Civil Procedure.

4 **IT IS SO ORDERED.** The District Court Executive is directed to
5 enter this Order and forward a copy to plaintiff.

6 **DATED** this 20th day of October, 2005.

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8 *s/Lonny R. Suko*

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10 LONNY R. SUKO
11 UNITED STATES DISTRICT JUDGE
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